

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CRABAR/GBF, INC.,

Plaintiff,

vs.

MARK WRIGHT, WRIGHT PRINTING
CO., MARDRA SIKORA, JAMIE
FREDRICKSON, and ALEXANDRA
KOHLHAAS,

Defendants.

8:16CV537

FIFTH AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the Stipulated Motion to Enter Amended Progression Schedule – Discovery ([Filing No. 319](#)). Upon review of the parties’ stipulated motion and for good cause shown,

IT IS ORDERED that the Stipulated Motion to Enter Amended Progression Schedule – Discovery ([Filing No. 319](#)) is granted, and the fourth case progression order is amended as follows:

- 1) The deadline for the parties to file a Final Joint Status Report Regarding Forensic Examination Project is extended to **August 13, 2021**.
- 2) The deadline for motions to compel written discovery under Rules 33, 34, 36 and 45 is extended to **September 10, 2021**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties’ dispute, and after being granted leave to do so by the Court.

- 3) A status conference to discuss case progression and the parties’ interest in settlement remains scheduled with the undersigned magistrate judge on **October 22, 2021, at 9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deposition deadline for fact witnesses remains **October 29, 2021**.
- 5) The deadlines for completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), remain:

For the plaintiff:

December 7, 2021

For the defendants:

February 8, 2022

For Rebuttal:

March 7, 2022

¹ While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.

- 6) The deposition deadline for expert witnesses remains **April 4, 2022**.
- 7) The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled with the undersigned magistrate judge on **April 8, 2022**, at **9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 8) The deadline for filing motions to dismiss and motions for summary judgment remains **May 2, 2022**.
- 9) The deadline for filing motions to exclude testimony on *Daubert* and related grounds remains **May 27, 2022**.
- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 22nd day of July, 2021.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge